

# PLANNING & DEVELOPMENT COMMITTEE

**Tuesday, September 18, 2018**

*6:00 pm*

Council Board Room

One Batavia City Centre, Batavia NY

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## **AGENDA**

- I. Roll Call
- II. Call to Order
- III. Approval of Minutes – 8/21/18
- IV. Proposals

**Address:** *7 Burke Dr.*

**Applicant:** John Bryant DeGolia (owner)

Proposal 1: Recommendation to the ZBA for an Area Variance to widen an existing 20' wide asphalt driveway by placing 12.58' of asphalt to the east (right) side of the existing driveway

Actions: 

- 1. Review application
- 2. Discussion and recommendation to the ZBA

**Address:** *110-116 Liberty St.*

**Applicant:** Martin Macdonald (agent for City Church)

Proposal 2: Recommendation to City Council for a proposed zoning change for these seven parcels from R-3 (Residential) to C-3 (Central Commercial)

Actions: 

- 1. Review application
- 2. Public hearing and discussion
- 3. Recommendation to City Council

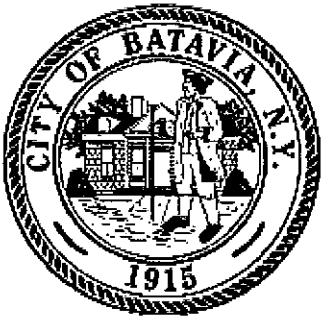
**Applicant:** City Council

Proposal 3: Sign Code Review – City Council has requested that the Planning and Development Committee review the recently adopted sign code to determine if the application and implementation of the new code has been satisfactorily achieved and whether the desired results have been realized. Council wishes for the PDC to make recommendations regarding potential revisions to section 190-43 of the Batavia Municipal Code.

Actions: 

- 1. Review application
- 2. Discussion and recommendation to City Council

- V. Other/ New Business/Updates
- VI. Setting of Next Meeting: October 16, 2018
- VII. Adjournment



*City of Batavia*  
*Department of Public Works*  
*Bureau of Inspections*

One Batavia City Center, Batavia, New York 14020

(585)-345-6345

(585)-345-1385 (fax)

To: Planning and Development Committee  
Zoning Board of Appeals

From: Doug Randall, Code Enforcement Officer

Date: 8/27/18

Re: 7 Burke Dr.  
Tax Parcel No. 71.018-2-17

Zoning Use District: R-1

The applicant, John Bryant DeGolia (owner), has applied for a permit to widen an existing 20' wide asphalt driveway by placing 12.58' of asphalt to the east (right) side of the existing driveway.

**Note:** This is a type II action as defined by Environmental Conservation Law and is not subject to review under SEQR 6 NYCRR Part 617.5 (c) (13).

**Review and Approval Procedures:**

**City Planning and Development Committee-** Pursuant to section 190-49 C. of the zoning ordinance, the Planning and Development Committee shall review and make recommendations to the ZBA for applications that include parking variances.

**Zoning Board of Appeals-** Pursuant to BMC Sec. 190-49 of the zoning ordinance, the ZBA shall review and act on required variances.

Required variances- Area

- 1) **BMC Sec. 190-39 E (1) The width of driveways shall not exceed 25% of the lot frontage.**

	<u>Permitted</u>	<u>Proposed</u>	<u>Difference</u>
Driveway width	20' (25%)	32.58' (41%)	12.58' (16%)



CITY OF BATAVIA  
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: \_\_\_\_\_

Hearing Date/Time: \_\_\_\_\_

APPLICANT: John Bryant DeGolia johndegolia@gmail.com  
Name E-Mail Address  
7 Burke Dr. 585 356 9497  
Street Address Phone Fax  
Batavia NY 14020  
City State Zip

STATUS: ☒ Owner ☐ Agent for Owner ☐ Contractor

OWNER: John Bryant DeGolia johndegolia@gmail.com  
Name E-Mail Address  
7 Burke Dr. 585 356 9497  
Street Address Phone Fax  
Batavia NY 14020  
City State Zip

LOCATION OF PROPERTY: 7 Burke Dr. Batavia, NY 14020

DETAILED DESCRIPTION OF REQUEST: Expand existing driveway as per drawing attached.

Applicant must be present at the hearing date. Failure to do so will result in the application being discarded. It is the responsibility of the applicant to present evidence sufficient to satisfy the Zoning Board of Appeals that the benefit of the applicant does not outweigh the health, safety, morals, aesthetics and general welfare of the community or neighborhood.

John B. DeGolia 7/30/2018  
Applicant's Signature Date  
John B. DeGolia 7/30/2018  
Owner's Signature Date

To be Filled out by Zoning Officer

TAX PARCEL: 71.018-2-17 ZONING DISTRICT: R-1 FLOOD PLAIN: C  
TYPE OF APPEAL: ☒ Area Variance FEE: ☒ \$50 (One or Two Family Use)  
☐ Use Variance ☐ \$100 (All other Uses)  
☐ Interpretation  
☐ Decision of Planning Committee

Provision(s) of the Zoning Ordinance Appealed: \_\_\_\_\_



## Criteria to Support Area Variance

In making its determination, the zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, moral, aesthetics and welfare of the neighborhood or community. The Zoning Board of Appeals shall consider the following test, as per §81-b of the General City Law when making its determination:

Explain how the proposal conforms to EACH of the following requirements:

1. **Undesirable Change in neighborhood Character.** The granting of the variance will not produce an undesirable change in the neighborhood or a detriment to nearby properties.  
There are other properties on Bucke Dr with similar driveway extensions to what is proposed.
2. **Alternative Cure Sought.** There are no other means feasible for the applicant to pursue that would result in the difficulty being avoided or remedied, other than the granting of the area variance. No alternative available.
3. **Substantiality.** The requested area variance is not substantial. \_\_\_\_\_
4. **Adverse Effect or Impact.** The requested variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or community.  
Addition to driveway does not adversely affect physical/environment of neighborhood or community.
5. **Not Self-Created.** The alleged difficulty existed at the time of the enactment of the provision or was created by natural force or governmental action, and was not the result of any action by the owner or the predecessors in title. \_\_\_\_\_

John B. Baffi  
Applicant's Signature

7/30/2018  
Date



Permit No. \_\_\_\_\_  
Date: \_\_\_\_\_

**DRIVEWAY AND PARKING SPACE PERMIT**  
**\$10 fee – Please attach Survey / Illustration**

**APPLICANT:** John Boyant DeGolia johndegolia@gmail.com  
Name E-mail Address  
7 Burke Dr 585 356 9497  
Street Address Phone  
Batavia NY 14020  
City State Zip  
☒ Owner ☐ Agent for Owner ☐ Contractor

**OWNER:** <same as above>  
Name E-mail Address  
Street Address Phone  
City State Zip

**ADDRESS OF PROPERTY:** 7 Burke Dr. Batavia, NY 14020

**DIMENSIONS OF EXISTING DRIVEWAY:** Width 20' Length 24.16'

**DIMENSIONS OF NEW DRIVEWAY / ADDITION:** Width 12' 7" Length 37' 11"

**SURFACE MATERIAL:** Existing Asphalt Proposed Asphalt

John B. DeGolia 7/30/2018  
Applicant's Signature Date

John B. DeGolia 7/30/2018  
Owner's Signature Date

To be filled out by Zoning Enforcement Officer

**TAX PARCEL:** \_\_\_\_\_ **ZONING DISTRICT:** \_\_\_\_\_ **SURVEY:** \_\_\_\_\_

**DIMENSIONS OF LOT:** Lot Frontage \_\_\_\_\_ Front Yard \_\_\_\_\_

**PERCENTAGE OF LOT FRONTAGE:** \_\_\_\_\_ **SURFACE MATERIAL:** \_\_\_\_\_

**APPROVED:** \_\_\_\_\_ **AREA VARIANCE:** \_\_\_\_\_ **GRADE PLAN:** \_\_\_\_\_

**ISSUING OFFICER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

20' permitted (2.5%) 20' Existing.  
32.58' Proposed (41%)  
12.58' (16%) over ZBA Reg.

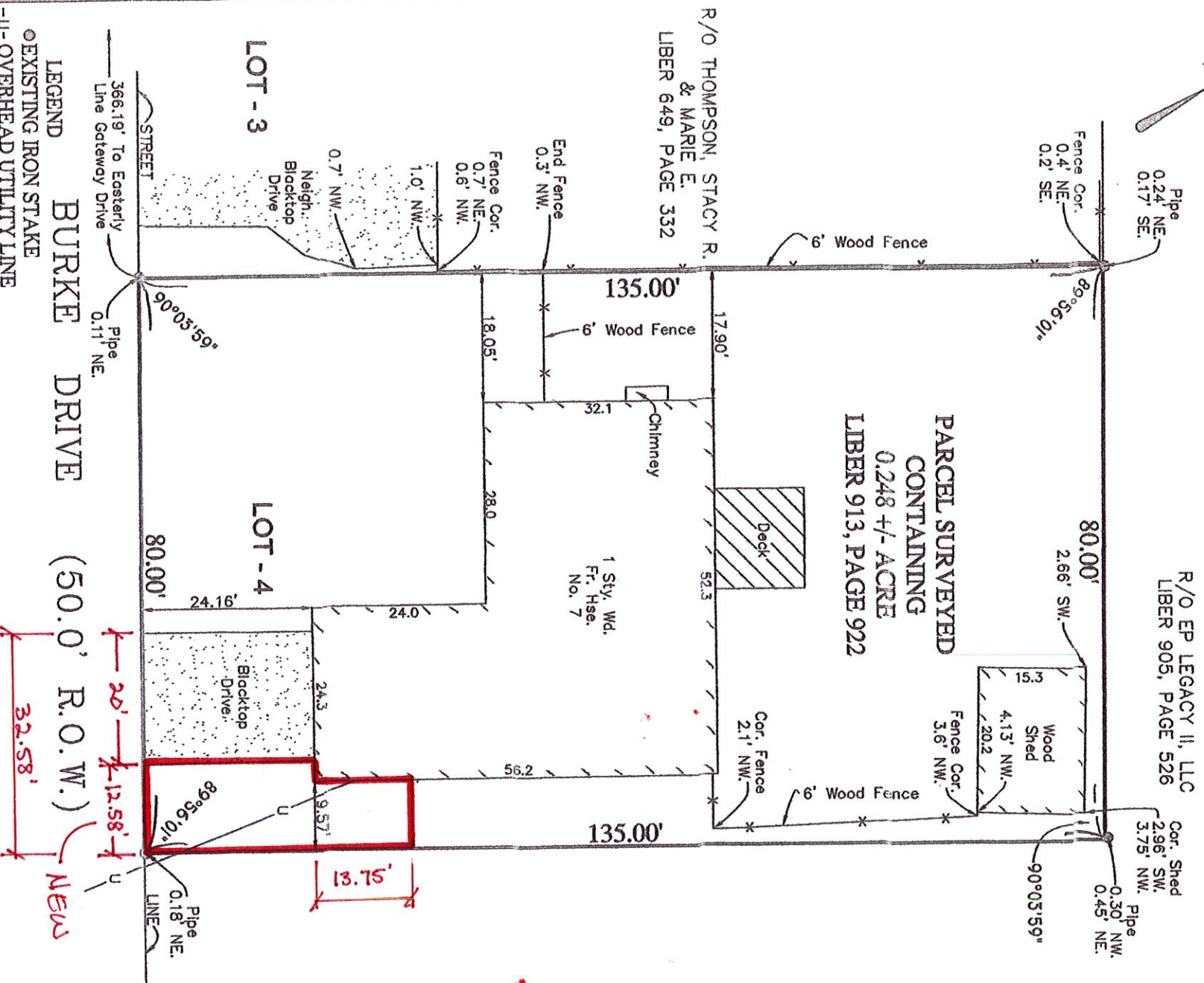
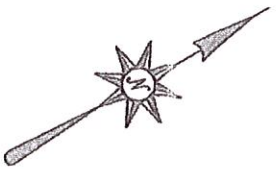




BURKE DR

Burke Drive







*City of Batavia*  
*Department of Public Works*  
*Bureau of Inspections*

One Batavia City Center, Batavia, New York 14020 (585)-345-6345 (585)-345-1385 (fax)

To: City Council  
Genesee County Planning  
Planning and Development Committee

From: Doug Randall, Code Enforcement Officer

Date: 7/20/18

Re: 110 Liberty 84.066-1-11; 42 Central 84.066-1-47; 112-116 Liberty 84.066-1-12; 118-120  
Liberty 84.066-1-13; 122 Liberty 84.066-1-14; 122-124 Liberty St. Rear 84.066-1-15; 124-126  
Liberty 84.066-1-16

Zoning Use District: R-3

The applicant, Martin MacDonald (for City Church), has petitioned Batavia City Council to amend the zoning of the seven parcels listed above from R-3 (Residential) to C-3 (Central Commercial). The owner, City Church, would like to extend its offering of programs to include youth activities, after school programs, dance classes art classes, open gymnasium days and other community related activities for youths and adults that are not permitted principal uses in the residential use district that these properties are located in.

**Review and Approval Procedures:**

**Batavia City Council-** Pursuant to section 190-51 of the zoning ordinance, upon receipt of a petition requesting a change in district boundaries, City Council may refer the proposed amendment to the Planning and Development Committee for review and recommendation prior to Council action. If the PDC fails to provide a report within thirty days of referral, the proposed amendment is deemed approved, and City Council may proceed.

**County Planning Board-** Pursuant to General Municipal Law 239 m, referral to the County Planning Board is required since the property is within 500 feet of the right of way of a state road or highway.

**City Planning and Development Committee-** Pursuant to section 190-51 of the zoning ordinance, City Council has requested that the Planning and Development Committee review the proposed zoning amendment, hold a public hearing and submit a report outlining their findings and recommendations to Council within thirty days of referral.

**City Council will conduct an uncoordinated review of SEQR for this unlisted action.**



**SEND OR DELIVER TO:**

GENESEE COUNTY DEPARTMENT OF PLANNING

3837 West Main Street Road

Batavia, NY 14020-9404

Phone: (585) 344-2580 Ext. 5467

**DEPARTMENT USE ONLY:**

GCDP Referral # \_\_\_\_\_



**\* GENESEE COUNTY \***  
**PLANNING BOARD REFERRAL**

Required According to:

**GENERAL MUNICIPAL LAW ARTICLE 12B, SECTION 239 L, M, N**

(Please answer ALL questions as fully as possible)

**1. REFERRING BOARD(S) INFORMATION**Board(s) Planning and Development CommitteeAddress One Batavia City CentreCity, State, Zip Batavia, NY 14020Phone (585) 345 - 6347 Ext. \_\_\_\_\_**2. APPLICANT INFORMATION**Name Martin MacDonald for City ChurchAddress 210 East Main St.City, State, Zip Batavia, NY 14020Phone (585) 409 - 1514 Ext. \_\_\_\_\_ Email onecity@aol.comMUNICIPALITY: ☒ City ☐ Town ☐ Village of Batavia**3. TYPE OF REFERRAL:** (Check all applicable items)☐ Area Variance☐ Use Variance☐ Special Use Permit☐ Site Plan Review☒ Zoning Map Change☐ Zoning Text Amendments☐ Comprehensive Plan/Update☐ Other: \_\_\_\_\_

Subdivision Proposal

☐ Preliminary☐ Final**4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:**A. Full Address 110 Liberty, 42 Central, 112-116 Liberty, 118-120 Liberty, 122 Liberty, 122-124 Liberty Rear, 124-12B. Nearest intersecting road CentralC. Tax Map Parcel Number 84.066-1-11; 84.066-1-47; 84.066-1-12; 84.066-1-13; 84.066-1-14; 84.066-1-15; 84.066-

D. Total area of the property \_\_\_\_\_ Area of property to be disturbed \_\_\_\_\_

E. Present zoning district(s) R-3**5. REFERRAL CASE INFORMATION:**

A. Has this referral been previously reviewed by the Genesee County Planning Board?

☒ NO ☐ YES If yes, give date and action taken \_\_\_\_\_

B. Special Use Permit and/or Variances refer to the following section(s) of the present zoning ordinance and/or law

C. Please describe the nature of this request Zoning map change from R-3 to C-3**6. ENCLOSURES** – Please enclose copy(s) of all appropriate items in regard to this referral☒ Local application☒ Site plan☐ Subdivision plot plans☒ SEQR forms☒ Zoning text/map amendments☐ Location map or tax maps☐ Elevation drawings☐ Agricultural data statement☐ New or updated comprehensive plan☒ Photos☒ Other: Cover letter

If possible, please provide a reduced version or digital copy of any supporting documentation larger than 11 x 17.

Email to [planning@co.genesee.ny.us](mailto:planning@co.genesee.ny.us)**7. CONTACT INFORMATION** of the person representing the community in filling out this form (required information)Name Douglas Randall Title Code Enf. Officer Phone (585) 345 - 6327 Ext. \_\_\_\_\_Address, City, State, Zip One Batavia City Centre, Batavia, NY 14020 Email drrandall@batavianewyork.com



# City of Batavia

## *Memorandum*

To: Honorable City Council

From: Matt Worth, Interim City Manager

Date: August 6, 2018

Subject: Proposed Zoning Map Amendment

The campus which contains St. Anthony's Church, Rectory, and Elementary School had been vacant for several years. In 2016 this property was purchased by City Church, Inc. in anticipation of re-utilization for community activities. These parcels were identified as Community Services Use in the most recent Comprehensive Plan, and the City Church's intention would be consistent with the plan's identified use.

The current zoning for these parcels is a R-3 district, which would allow for a residential housing complex, individual housing, and continued utilization as a private elementary school. The City of Batavia has seen a decline in the number of private schools, and it does not seem likely that this facility would ever be utilized as an elementary school again. The facility is reasonably set up to be utilized for community activities that have taken place since the facility was purchased by City Church, Inc., and are not remarkably different from activities that would have been associated with the previous St. Anthony's School.

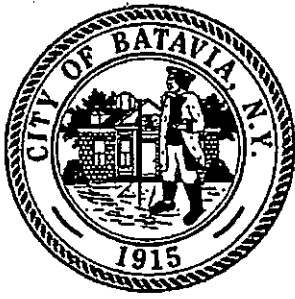
While many of the activities that are associated with City Church at this complex are compliant with zoning regulations, there would be some ancillary activities (dance school, art school, community education classes, etc.) that could be considered a business activity and a non-conforming use in an R-3 district.

City Church, Inc. has filed a petition dated July 19, 2018 to re-zone this campus of parcels that would annex this property into the adjacent C-3 district, which would bring the property into conformance with zoning regulations. These properties are adjacent to an existing C-3 district on two sides, and the make up of the buildings would seem to fit with C-3 utilizations.

*Office of the City Manager*  
One Batavia City Centre  
Batavia, New York 14020

Phone: 585-345-6330  
Fax: 585-343-8182  
[www.batavianewyork.com](http://www.batavianewyork.com)





# City of Batavia

It is necessary for City Council refer this item to the Planning and Development Committee for review, and public hearing and recommendation to Council regarding the re-zoning request. The action would be in accordance with Section 190-51 of the zoning ordinance

## Supporting Documentation

Memo from Doug Randall Code Enforcement Officer

Comprehensive Plan Existing Conditions Map

Petition to Re-zone documents by City Church, Inc. w/support documents

Draft Resolution

*Office of the City Manager*  
One Batavia City Centre  
Batavia, New York 14020

Phone: 585-345-6330  
Fax: 585-343-8182  
[www.batavianewyork.com](http://www.batavianewyork.com)

## **PETITION TO RE-ZONE**

42 Central Avenue, SBL No. 84.066-1-47  
110 Liberty Street, SBL No. 84.066-1-11  
112-116 Liberty Street, SBL No. 84.066-1-12  
118-120 Liberty Street, SBL No. 84.066-1-13  
122 Liberty Street, SBL No. 84.066-1-14  
122-124 Liberty Street, SBL No. 84.066-1-15  
124-126 Liberty Street, SBL No. 84.066-1-16  
Batavia, New York

City Church, Inc. by Martin MacDonald, President, parcel owner, hereby submits the within Petition to Re-zone the above-referenced parcel from an R-3 use district to a C-3 use district.

### **Background**

City Church, Inc. purchased 42 Central Avenue, 110 Liberty Street, 112-116 Liberty Street, 118-120 Liberty Street, 122 Liberty Street (front), 122-124 Liberty Street and 124-126 Liberty Street, Batavia, New York, which are all contiguous parcels of property (the "Property") from the St. Anthony's Roman Catholic Church Society of Batavia, New York (by deeds dated May 11, 2016 and recorded in the Genesee County Clerk's Office on May 20, 2016. The Property was owned in its entirety by the former St. Anthony's Roman Catholic Church. The site had been vacant for some time prior to the purchase by City Church. Originally the Property had been used as a Roman Catholic Church, Community Center, elementary/middle school and Church Rectory. We are seeking to have the City of Batavia re-zone the Property from its current R-3 use district to a C-3 use district. A copy of the existing City zoning map is attached as Exhibit A, which shows the Property, which is located along Pringle Avenue and Liberty Streets. On the north side of Central Avenue, where it intersects with Liberty Street is the C-3 use district and on the south side of Central Avenue, where the Property is located in an R-3 use district. Although, use of the Property as a school is a permitted use in an R-3 district, City Church, Inc. would like extend its offering to programs to the community beyond educational in nature, to include but, not be limited to: youth activities, youth programs, youth after school programs, dance classes, art classes, open gymnasium days to the community and other community related activities, both adult and youth orientated.

### **Adjoining Uses**

The property is entirely within the R-3 use district and is bordered on the north by a C-3 use district.

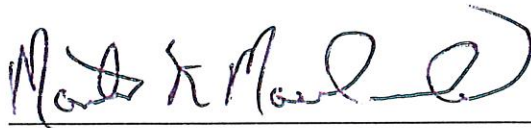
## Proposed Future Use

As stated above, City Church, Inc. would like to open the Property up to many community related activities, beyond the original use of a community center/school. Although, our concept of usage includes utilization of the facility as a Church and Community Center, where members of the community may gather for services, meetings or celebrations along the lines of original use, we envision usage beyond that to include a youth bureau and many adult and youth programs. City Church, Inc. would like to see the Property once again become the hub of activity for the south side of the City of Batavia. We intend to take steps necessary or, to see that steps are taken, regarding the existing building to bring it into compliance with all current codes for usage of the building as intended, should this rezoning be granted.

**WHEREFORE**, Petitioners respectfully request that the City Council of the City of Batavia amend its Zoning Ordinance for 42 Central Avenue, SBL No. 84.066-1-47; 110 Liberty Street, SBL No. 84.066-1-11; 112-116 Liberty Street, SBL No. 84.066-1-12; 118-120 Liberty Street, SBL No. 84.066-1-13; 122 Liberty Street, SBL No. 84.066-1-14; 122-124 Liberty Street, SBL No. 84.066-1-15; 124-126 Liberty Street, SBL No. 84.066-1-16, Batavia, New York from an R-3 use district to a C-3 use district.

Dated: July <sup>19</sup>~~11~~, 2018

**CITY CHURCH, INC.**



By: **Pastor Martin MacDonald, President**

STATE OF NEW YORK )

COUNTY OF GENESEE ) SS.:

On the <sup>19<sup>th</sup></sup>~~11<sup>th</sup>~~ day of July, 2018, before me, personally appeared **Martin MacDonald** personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
Notary Public

MARGARET CORDARO  
NOTARY PUBLIC, State of New York  
County of Genesee  
My Commission Expires 4/4/2020



Residential



24%  
Public & Community  
Services



17%  
Vacant



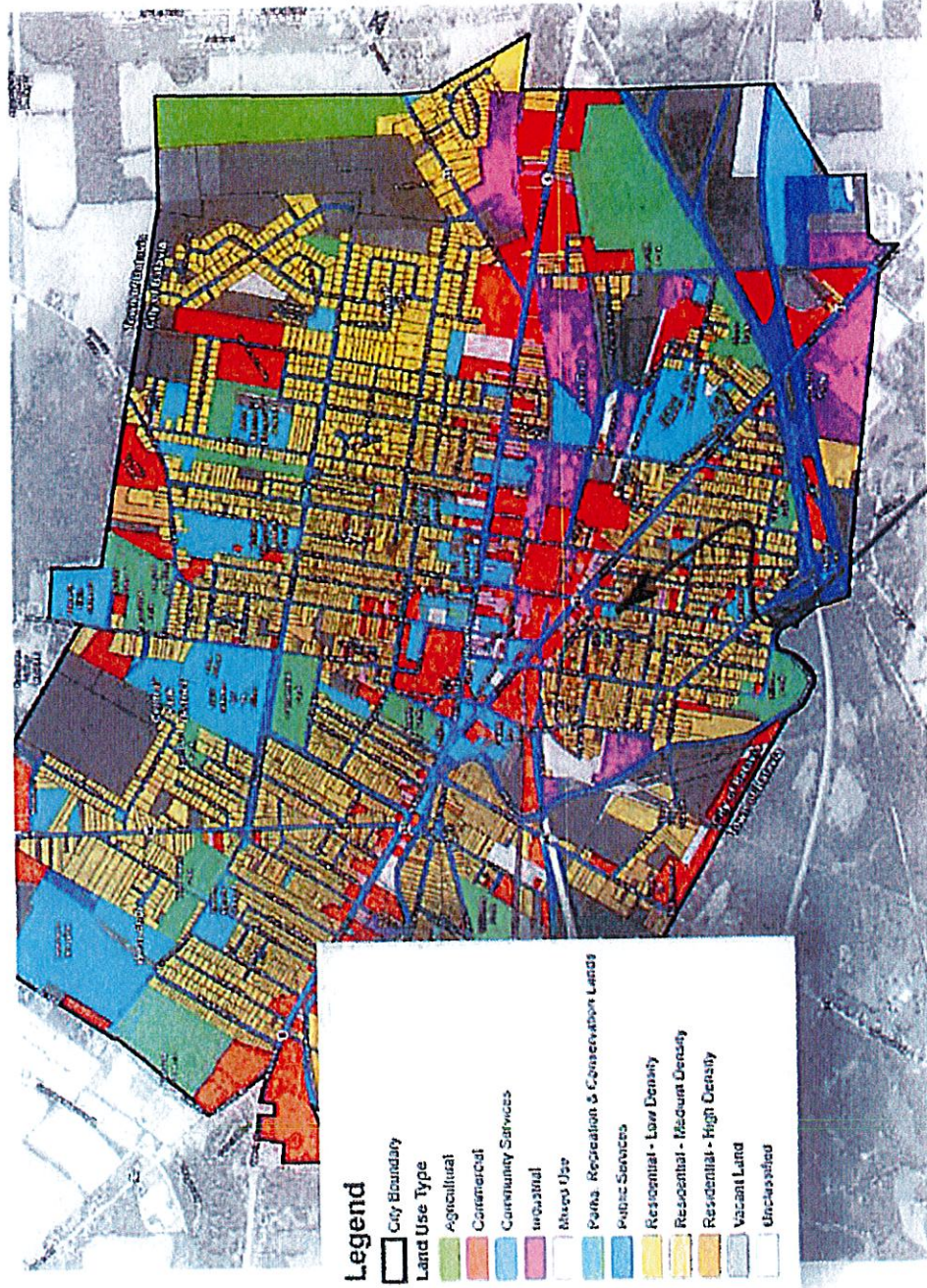
11%  
Commercial



5%  
Industrial



5%  
Parks &  
Conservation



COMMUNITY SERVICES



















617.20  
Appendix B  
Short Environmental Assessment Form

**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>							
CITY CHURCH, INC.							
Name of Action or Project: CENTRAL AVE. / LIBERTY ST. REZONE							
Project Location (describe, and attach a location map): 42 CENTRAL AVE, 110, 112-116, 118-120, 122-126 LIBERTY ST.							
Brief Description of Proposed Action: REZONE REQUEST FROM R-3 TO C-3							
Name of Applicant or Sponsor: CITY CHURCH, INC.		Telephone: (585) 409-1514					
		E-Mail: ONECITY@AOL.COM					
Address: 210 EAST MAIN ST.							
City/PO: BATAVIA		State: N.Y.	Zip Code: 14020				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%;"><tr><td style="width: 50%; text-align: center;">NO</td><td style="width: 50%; text-align: center;">YES</td></tr><tr><td style="text-align: center;">X</td><td></td></tr></table>	NO	YES	X	
NO	YES						
X							
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%;"><tr><td style="width: 50%; text-align: center;">NO</td><td style="width: 50%; text-align: center;">YES</td></tr><tr><td style="text-align: center;">X</td><td></td></tr></table>	NO	YES	X	
NO	YES						
X							
3.a. Total acreage of the site of the proposed action? <u>2</u> <u>1.34</u> acres							
b. Total acreage to be physically disturbed? <u>0</u> acres							
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? <u>2</u> <u>1.34</u> acres							
4. Check all land uses that occur on, adjoining and near the proposed action. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland							

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO X	YES	N/A
b. Consistent with the adopted comprehensive plan?		X	
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO	YES X
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____		NO	YES X
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES X
b. Are public transportation service(s) available at or near the site of the proposed action?			X
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?			X
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____		NO	YES X
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____		NO	YES X
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____		NO	YES X
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?		NO	YES X
b. Is the proposed action located in an archeological sensitive area?		X	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?		NO	YES X
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____		X	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?		NO	YES X
16. Is the project site located in the 100 year flood plain?		NO	YES X
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES		NO	YES X
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO X	YES
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO X	YES
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO X	YES

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE CITY CHURCH, INC.

Applicant/sponsor name: PASTOR MARTIN MACDONALD Date: 7/14/13

Signature: [Signature]

**Part 2 - Impact Assessment.** The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

**Part 3 - Determination of significance.** The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

12

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
_____ Name of Lead Agency	_____ Date
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (if different from Responsible Officer)

## § 190-43 Signs.

**A. Statement of Purpose.** The purpose of this section is to promote the public health, safety and welfare of the community by regulating the placement and size of outdoor signs and advertising displays. It is intended to protect all property values by ensuring that individual signs do not detract from the overall appearance and safety of the community.

**B. Applicability.**

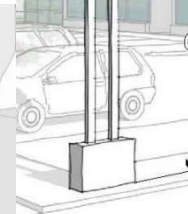
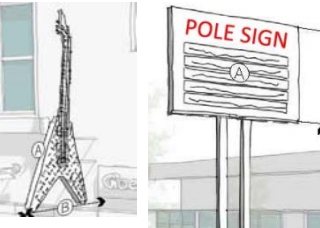
- (1) Permit required. It is unlawful for any person to erect, enlarge, relocate or change the copy of any sign other than those identified as exempt in this section, without first obtaining a sign permit and paying the fee therefor as provided in this section. Routine maintenance of existing signs, not involving erection, enlargement, relocation or change of copy, shall not require a permit.
- (2) All signs must be located on the same lot as the permitted use.

**C. Application for Permit.** Application shall be made in writing to the Department of Public Works on forms prescribed and provided by the City of Batavia and shall contain the following information:

- (1) Name address and telephone number of applicant and property owner.
- (2) Location of building, structure or land upon which the sign now exists or is to be erected.

- (a) If a new sign is to be erected, elevation and plan drawings should be included. A clear description of the placement and appearance of the proposed sign should include the following:

- [1] Location on the premises, specifically, its position in relation to adjacent buildings, structures and property lines.
- [2] The method of illumination, and position of lighting.
- [3] Graphic design, including symbols, letters, materials, and possible color combinations.



- (b) If the sign is in compliance, the Department of Public Works shall issue a permit for the proposed or existing sign. The Department of Public Works shall give written notice to the applicant if the sign application has been denied.

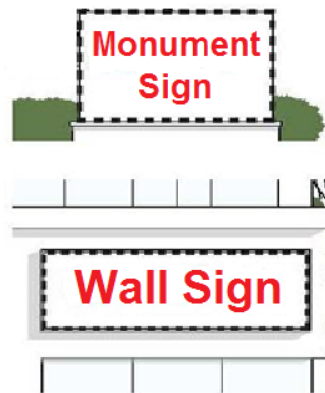
**D. Common Sign Plan.** A common sign plan must be filed with the Department of Public Works for all sites occupied by more than one tenant. After the filing of a common sign plan, all tenant signs must meet the requirements of the common sign plan.

**E. Computation of Sign Type Area.** The area of a sign type is determined as follows:

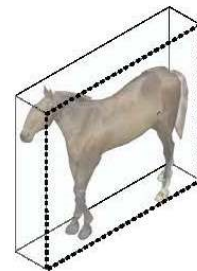
- (1) For signs consisting of freestanding letters or logos, sign area is calculated as the total area of the rectangle, circle or square that fully encloses each word or logo.



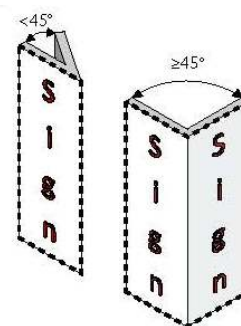
- (2) For wall signs and signs on a background, the entire area of the background is calculated as sign area, including any material or color forming the sign face and the background used to differentiate the sign from the structure against which it is mounted. Sign area does not include any supports or bracing.



- (3) The sign area of a three-dimensional sign is calculated as total area of the smallest rectangle, circle or square that fully encloses the largest profile of the three-dimensional sign.

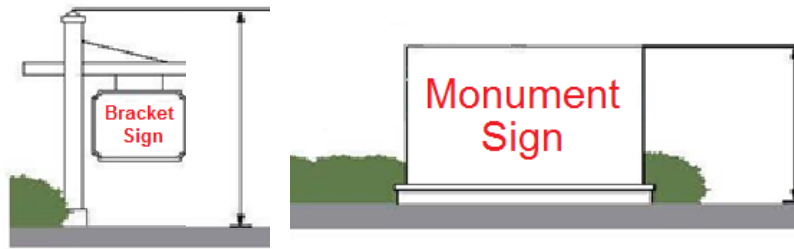


- (4) The area for a sign with more than one face is computed by adding together the area of all sign faces, except where the angle at which the two sign faces are placed does not exceed 45 degrees.





- F. Measurement of Sign Height.** The total height of a freestanding sign is measured from the highest point of the sign or supporting structure to the adjacent grade.



- G. Fees.** Fees for sign permits shall be as set by resolution of the City Council.

- H. Permitted Signs.** All signs which comply with the provisions and conditions set forth in this Section and obtain a permit shall be allowed, and all signs not so compliant are specifically prohibited.

- I. Exempt Signs.** The following signs are considered to be exempt from obtaining a permit, but not exempt from the provisions of this section. Exempt signs of a temporary nature shall not be attached to fences, utility poles or the like and shall not impair traffic visibility. ~~Exempt signs, not in compliance with the provisions of Subsections (1) through (5) below may not continue after the effective date of any amendment of this section.~~

- (1) Historical markers, tablets and statues, memorial signs or plaques; when cut into masonry surface or when constructed of bronze, stainless steel or similar material and not exceeding six square feet.
- (2) Flags
- (3) Non-illuminated warning, private drive, posted or no trespassing signs, not exceeding two square feet per face.
  - (a) "Warning," "private drive," "posted" or "no trespassing" signs shall not be in excess of four feet in height and shall not be in excess of two square foot per face. A maximum of one posted, "warning" or "no trespassing" sign shall be permitted to be placed along the perimeter of property lines at intervals not less than 100 feet apart. This restriction will not apply to properties owned by public entities or utility companies.
- (4) Three or fewer temporary signs (**banner**, window, posters, lawn, and directional) not exceeding 60 days, and per the overall area allocation in Sec. M below.
- (5) **Open and closed signs, hours of operation, and** decorations, including lighting.
- (6) **On-premises directional signs not exceeding four square feet in area and no more than four feet in height.**

**J. Prohibited Signs.**

- (1) No off-premises signs shall be allowed other than those **allowed permitted by other subsections contained in this article.**
- (2) No sign shall be illuminated by or contain flashing, rotating, scrolling, strobing, or moving lights.
- (3) No sign shall impair or cause confusion of vehicular or pedestrian traffic, in its design color or placement.
- (4) No sign shall be placed upon the roof of any building.
- (5) No sign shall consist of or simulate moving, revolving or fluttering devices such as ribbons and streamers.
- (6) No advertising message shall be extended over more than one sign placed along a street or highway.
- (7) No signs shall be attached to utility poles in all zones of the City of Batavia. No permanent, temporary or exempt signs shall be attached, placed, painted or drawn upon fences, trees or man-made or natural features, including permanent, temporary or exempt signs.
- (8) No signs shall be placed anywhere within the City or state rights-of-way without the permission of the Department of Public Works, excepting awning signs, canopy signs, projecting signs, and shingle

signs in commercial, industrial and planned development districts not exceeding six square feet and sidewalk signs not exceeding 20 square feet in commercial industrial and planned development districts. All signs must be a minimum of 18 inches inside the street line.

**K. Portable Signs.**

- (1) Portable signs, if powered by electric, must meet all the construction standards of the New York State Uniform Fire Prevention and Building Code.
- (2) Portable sign size shall not exceed 32 square feet and shall be limited to five feet above grade.
- (3) Portable signs must be removed after 60 days. Another portable sign permit can be applied for 30 days after removal of a portable sign.

- L. Sign Types Allowed by District.** Signs are allowed by district as set forth below. Specific requirements for each sign are shown on the following pages.

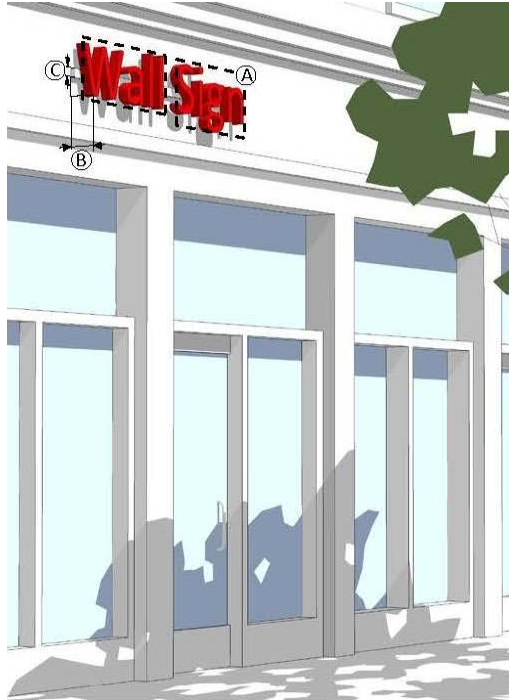
Sign Types	Zoning Districts							
	R-1, R-1A, R-2	R-3	C-1	C-2	C-3, H-O	I-1	I-2, I-3, P-1, P-2, P-3	L
Wall Sign	●	●	●	●	●	●	●	
Awning Sign			●	●	●	●	●	
Canopy Sign			●	●	●	●	●	
Projecting Sign	●	●	●	●	●		●	
Shingle Sign	●	●	●	●	●	●		
Window Sign			●	●	●	●	●	
Pole Sign				●		●		
Monument Sign	●	●	●	●	●	●	●	●
Marquee Sign				□	●			
Iconic Sign			□	□	●			
Bracket Sign	●	●	●	●	●	●	●	●
Sidewalk Sign			●	●	●	●		
Drive-through Menu Board Sign			●	●	●			

KEY: ● = Sign type allowed □ = Sign type allowed on State highways Blank Cell = Sign type not allowed

**M. Allocation of Overall Sign Area** The maximum sign area allocation for each sign type is determined by the district and is established below. For each cell, there is a maximum sign area allocation that may be utilized with any combination and any number of signs associated with that cell, except for only one free standing sign per 200 feet of street frontage and one building-mounted wall sign per establishment per building wall visible from a public right-of-way is allowed (awning and window signs excluded). The total area of wall or canopy signs shall not exceed what would be allowed on the largest wall visible from the public right-of-way. Sign area is measured in square feet or percentage of wall area and total window space for window signs.

Sign Types	Zoning Districts										
	R-1, R-1A, R-2	R-3	C-1	C-2	C-3, H-O	I-1	I-2, I-3	P-1	P-2	P-3	L
Wall Sign	2 sf	2 sf	10%	15%	15%	15%	15%	15%	15%	10%	
Awning Sign	2 sf	2 sf	15%	25%	20%	20%	20%	20%	20%	20%	
Canopy Sign			15%	25%	20%	20%	20%	20%	20%	20%	
Projecting Sign	2 sf	2 sf	10 sf	10 sf	10 sf	10 sf	10 sf	10 sf	10 sf	10 sf	
Shingle Sign	2 sf	2 sf	10 sf	10 sf	10 sf	10 sf	10 sf	10 sf	10 sf	10 sf	
Window Sign			25%	25%	25%	25%	25%	25%	25%	25%	
Pole Sign				40 sf		15 sf					
Monument Sign	15 sf	15 sf	15 sf	40 sf	15 sf	15 sf	15 sf	15 sf	15 sf	6 sf	6 sf
Marquee Sign				100 sf	175 sf						
Iconic Sign			15 sf	40 sf	15 sf						
Bracket Sign	2 sf	2 sf	10 sf	10 sf	10 sf	10 sf	10 sf	10 sf	10 sf	10 sf	
Sidewalk Sign			20 sf	20 sf	20 sf						
Temporary Sign	9 sf	9 sf	32 sf	32 sf	32 sf	32 sf	32 sf	32 sf	32 sf	32 sf	9 sf
Drive-through menu board sign			42 sf	42 sf	42 sf						

## N. Wall Signs.



Description		
A sign placed or painted against a building and attached to the exterior front, rear or side so that the display surface is parallel to the plane of the wall.		
General Provisions		
<ol style="list-style-type: none"> <li>1. No portion of a wall sign may extend beyond the ends, above the roof line, above a parapet wall of a building with a flat roof, or above the second story in a building with more than two stories.</li> <li>2. No portion of a wall sign may extend above the lower eave line of a building with a pitched roof.</li> <li>3. A wall sign cannot cover windows or architectural details.</li> <li>4. A wall sign may be illuminated in accordance with <u>Sec. Z</u> below.</li> <li>5. <b>As many as two drive-through menu board signs designed as wall signs shall be permitted.</b></li> </ol>		
Standards		
A	Overall area allocation (max)	<u>Sec. M</u> above
B	Projection - measured from building facade (max)	15 in.
C	Electrical raceway (max % of letter height)	50%

## O. Awning Signs.



Description		
A sign where graphics or symbols are painted, sewn, or otherwise adhered to the awning material as an integrated part of the awning itself.		
General Provisions		
<ol style="list-style-type: none"> <li>1. An awning sign cannot extend outside the awning.</li> <li>2. Only awnings over ground story doors or windows may contain signs.</li> <li>3. A maximum of one sign is allowed per awning face per establishment.</li> <li>4. Signs are only allowed in the vertical areas of the awning.</li> <li>5. An awning sign may only be externally illuminated in accordance with <u>Sec. Z</u> below.</li> </ol>		
Standards		
A	Overall area allocation (max)	<u>Sec. M</u> above
B	Width (max % of awning width/depth)	75%

C	Height of text and graphics on valance (max)	2 ft.
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**P. Canopy Signs.**



Description		
A sign placed on a canopy so that the display surface is parallel to the plane of the wall.		
General Provisions		
<ol style="list-style-type: none"> <li>1. A canopy sign cannot extend outside the overall length or width of the canopy. However, a canopy sign may extend above or below the canopy.</li> <li>2. A maximum of one sign is allowed per canopy per establishment.</li> <li>3. A canopy sign must be located over an accessible building entrance.</li> <li>4. Electrical raceways are permitted for signs extending below or above the canopy. Otherwise, electrical raceways are not permitted and the sign must be flush with the canopy face.</li> <li>6. A canopy sign may be illuminated in accordance with <u>Sec. Z</u> below.</li> </ol>		
Standards		
A	Overall area allocation (max)	<u>Sec. M</u> above

B	Width (max % of canopy width)	75%
C	Height of text and graphics (max)	2 ft.
D	Depth (max)	1 ft.
E	Electrical Raceway (max % of letter height)	50%
F	Clear height above sidewalk (min)	10 ft.



## Q. Projecting Signs.



### Description

A sign attached to the building facade at a 90-degree angle, extending more than 15 inches. A projecting sign may be two or three-dimensional.

### General Provisions

1. A projecting sign must be located at least 25 feet from any other projecting sign.
2. A projecting sign may be erected on a building corner when the building corner adjoins the intersection of two streets. Allocation of sign area from both streets may be used; however, in no case can the sign exceed the maximum height and width standards.
3. The top of a projecting sign can be no higher than the top of the building. However, on one story buildings, the top of a projecting sign may have a maximum of 20% of the sign height above the top of the building.
4. Buildings four stories and higher, a projecting sign must be located below the window sills of the 4th story.
7. A projecting sign may be illuminated in accordance with Sec. Z below.
8. **As many as two drive-through menu board signs designed as projecting signs shall be permitted.**

### Standards

A	Overall area allocation (max)	<u>Sec. M</u> above
B	Height <sup>(1)</sup> (max)	
	Mounted below 2nd floor	4 ft.
	Mounted on 2nd or 3rd floor	8 ft.
C	Spacing from building facade (min/max)	1 ft./2 ft.
D	Projection width (max)	6 ft.
E	Depth (max)	1 ft.
F	Clear height above sidewalk <sup>(2)</sup> (min)	10 ft.

<sup>(1)</sup> If a sign is mounted across two floors then the maximum height is the average of the maximum heights for each respective floor.

<sup>(2)</sup> **Drive-through menu board signs are exempt from the clear height above sidewalk requirement when not located over a pedestrian way.**

## R. Shingle Signs.



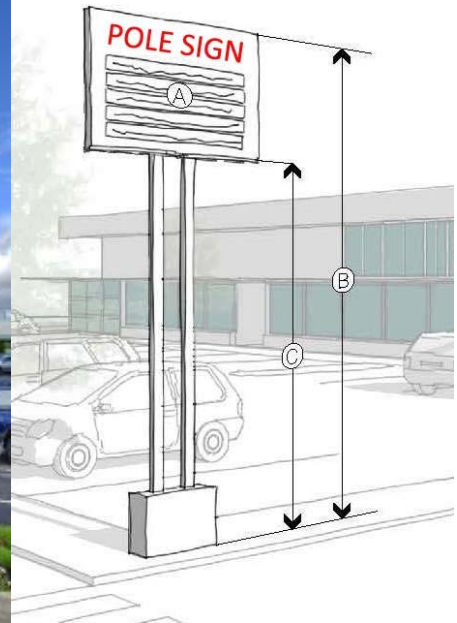
Description		
A small projecting sign that hangs from a bracket or support.		
General Provisions		
<ol style="list-style-type: none"> <li>1. A shingle sign must be located within 5 feet of an accessible building entrance.</li> <li>2. The hanging bracket must be an integral part of the sign design.</li> <li>3. A shingle sign must be located below the window sills of the second story on a multi-story building or below the roof line on a single-story building.</li> <li>4. A shingle sign cannot be illuminated.</li> </ol>		
Standards		
A	Overall area allocation (max)	<u>Sec. M</u> above
B	Height (max)	3 ft.
C	Spacing from building facade (min/max)	6 in./12 in.
D	Projection width (max)	3.5 ft.
E	Depth (max)	6 in.
F	Clear height above sidewalk (min)	10 ft.

**S. Window Signs.**



Description		
A sign visible from a sidewalk, street or other public place, painted or affixed on glass or other window material, or located inside within four feet of the window, but not including graphics in connection with customary window display of products.		
General Provisions		
<div>1. Windows signs are only allowed on ground and second story windows and doors, except that second story windows sings are only allowed if for a different establishment than that of the ground story and if no other sign is attached to the building for that establishment.</div> <div>2. A window sign can only be internally illuminated in accordance with <u>Sec. Z</u> below.</div> <div>3. Overall area allocation shall be calculated for all windows per floor, per establishment, per side of the building.</div>		
Standards		
A	Overall area allocation (max)	<u>Sec. M</u> above

## T. Pole Signs.



Description		
A freestanding sign constructed on a structure of one or more poles.		
General Provisions		
<ol style="list-style-type: none"> <li>One pole sign is allowed per street frontage, except that one additional monument sign is allowed for properties with 200 feet or more of street frontage. Where more than one monument sign is permitted, signs along the same street frontage must be spaced a minimum of 150 feet apart.</li> <li>Additionally, as many as two drive-through menu board signs designed as pole signs shall be permitted.</li> <li>A pole sign must be set back at least 5 feet from any property line.</li> <li>A pole sign may be illuminated in accordance with <u>Sec. Z</u> below.</li> </ol>		
Standards		
A	Overall area allocation (max)	<u>Sec. M</u> above
B	Height (1) (max)	25 ft. (C-2), 18 ft. (I-2)
C	Vertical clearance (2) (min/max)	10 ft./15 ft.

(1) Maximum height of drive-through menu board signs shall be 7 ft.

(2) Drive-through menu board signs are exempt from the vertical clearance requirements.



## U. Monument Signs.



Description		
A freestanding sign attached to the ground along its entire length to a continuous pedestal. A monument sign is horizontally oriented or is square.		
General Provisions		
<ol style="list-style-type: none"> <li>One monument sign is allowed per street frontage, except that one additional monument free standing sign is allowed for properties with 200 feet or more of street frontage. Where more than one monument freestanding sign is permitted, signs along the same street frontage must be spaced a minimum of 150 feet apart.</li> <li>Additionally, as many as two drive-through menu board signs designed as monument signs shall be permitted.</li> <li>A monument sign must be set back at least 5 feet from any property line, except for signs in the Land Conservation (L) District where the sign has to be 10 feet from any property line.</li> <li>A sign erected on a retaining wall is required to meet the standards for a monument sign. The height of the wall is included in the overall height calculation.</li> <li>A monument sign may be illuminated in accordance with <u>Sec. Z</u> below.</li> </ol>		
Standards		
A	Overall area allocation (max)	<u>Sec. M</u> above
B	Height (1) (max)	6 ft.
C	Depth (max)	18 in.

(1) Maximum height of drive-through menu board signs shall be 7 ft.

## V. Marquee Signs.



### Description

A sign attached to the top or the face of a permanent roof-like structure.

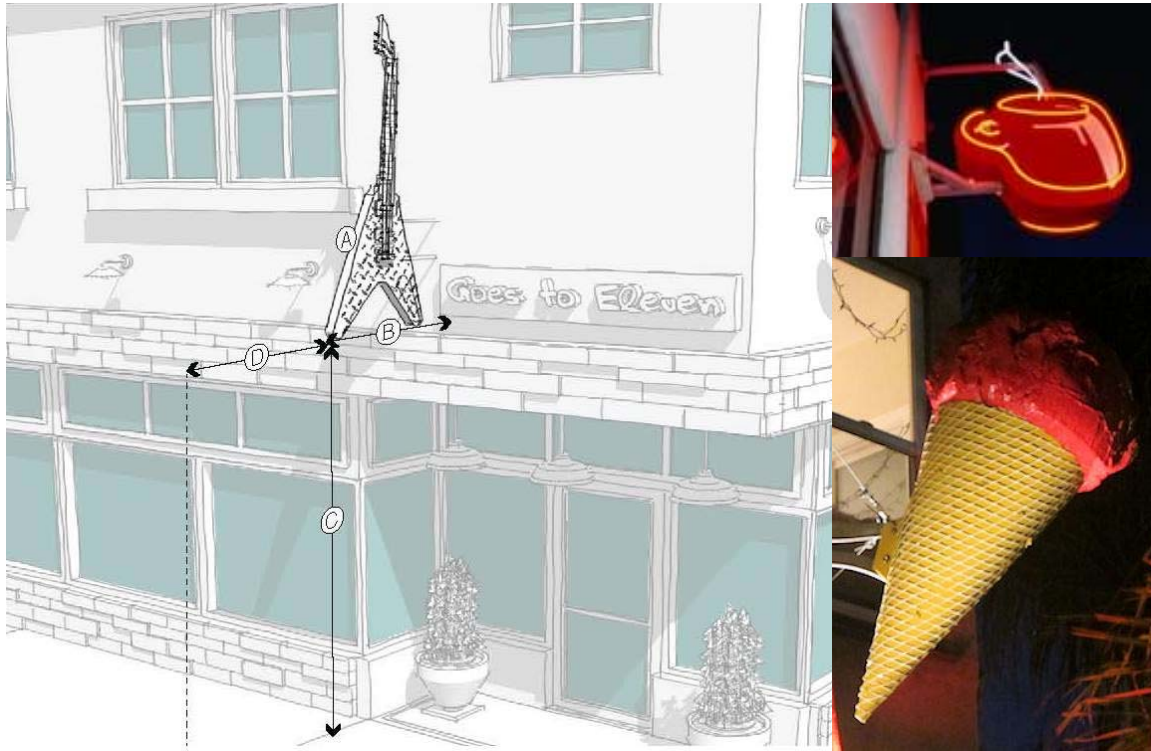
### General Provisions

1. A maximum of one marquee sign is permitted per building. Only the following types of establishments may erect a marquee sign: assembly, large or small; cultural facility; school, college/university; hotel/hostel; amusement facility, indoor or outdoor; or live entertainment.
2. A marquee may be erected over a main entrance only, and may be no wider than the entrance over which it is erected, plus five feet on each side.
3. A marquee sign must be supported solely by the building to which it is attached. No exterior columns or posts are permitted as supports.
4. All marquees, including anchors, bolts, supporting rods and braces, must be constructed of non-combustible material and must be designed by a licensed design professional.
5. Water from the marquee roof must not drain, drip, or flow onto the surface of a public right-of-way. Sufficient gutters, downspouts, and drains must be installed as part of each marquee to prevent water from flowing onto the surface of a public right-of-way.
6. A marquee sign may be illuminated in accordance with Sec. Z below.

### Standards

A	Overall area allocation (max)	<u>Sec. M</u> above
B	Vertical clearance from sidewalk level (min/max)	10 ft.
C	Setback from curb line (min)	18 in.

## W. Iconic Signs.



### Description

A sculptural, typically three-dimensional sign whose form suggests its meaning, and which can either be building-mounted or freestanding.

### General Provisions

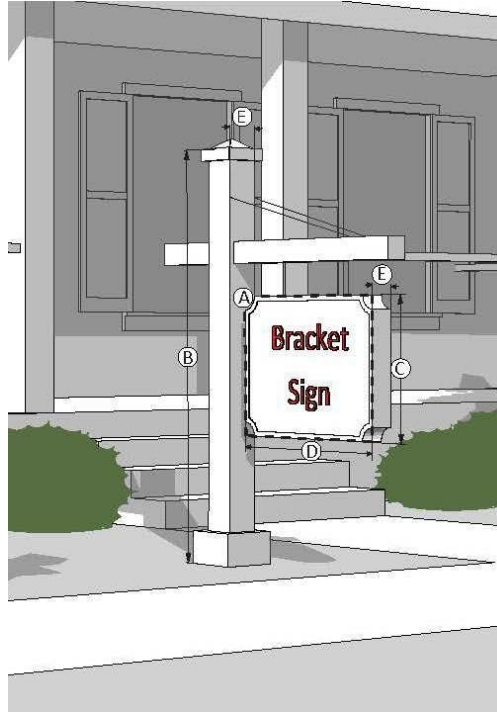
1. A maximum of one iconic sign is permitted per establishment.
2. An iconic sign may contain only iconographical elements representing a product or service offered on site, and may not contain any other items of information.
3. The top of an iconic sign can be no higher than the top of the building. However, on one story buildings, the top of an iconic sign may have a maximum of 20% of the sign height above the top of the building.
4. Buildings four stories and higher, an iconic sign must be located below the window sills of the 4th story.
5. An iconic sign may be illuminated in accordance with Sec. Z below.
6. Additionally, as many as two drive-through menu board signs designed as iconic signs shall be permitted.

### Standards

A	Overall area allocation (max)	<u>Sec. M</u> above
B	Projection from wall (max, including supports)	5 ft.
C	Vertical clearance from sidewalk level (1) (min)	10 ft.
D	Setback from curb line (min)	18 in.

(1) Drive-through menu board signs are exempt from the clear height above sidewalk requirement when not located over a pedestrian way.

## X. Bracket Signs.



Description		
A freestanding sign attached to the ground by one or more support structures that is not higher than 5 feet and hangs from a bracket or support.		
General Provisions		
<ol style="list-style-type: none"> <li>1. Only one bracket sign is allowed per building.</li> <li>2. A bracket sign must be located at least 25 feet from any other bracket sign.</li> <li>3. The hanging bracket must be an integral part of the sign design.</li> <li>4. A bracket sign can only be externally illuminated in accordance with <u>Sec. Z</u> below.</li> </ol>		
Standards		
A	Overall area allocation (max)	<u>Sec. M</u> above
B	Sign structure height (max)	5 ft.
C	Sign area height (max)	3 ft.
D	Sign area width (max)	3 ft.
E	Sign structure/area depth (max)	6 in.



## Y. Sidewalk Signs.



Description		
A moveable sign not secured or attached to the ground or surface upon which it is located.		
General Provisions		
<ol style="list-style-type: none"> <li>1. Sidewalk signs do not require a permit but must be taken inside the place of business at the close of business.</li> <li>2. A sidewalk sign must be located at least 25 feet from any other sidewalk sign.</li> <li>3. Sidewalk signs cannot obstruct vehicular, bicycle or pedestrian traffic and must comply with ADA clearance and accessibility.</li> <li>4. A sidewalk sign cannot be illuminated.</li> </ol>		
Standards		
A	Overall area allocation (max)	<u>Sec. M</u> above
B	Height (max)	5 ft.
C	Width (max)	4 ft.

## Z. Sign illumination.

Illumination of signs must be in accordance with the following requirements.

### (1) External Illumination

- (a) Lighting directed toward a sign must be shielded so that it illuminates only the face of the sign and does not shine directly onto public right-of-way or adjacent properties.

- (b) Projecting light fixtures used for externally illuminated signs must be simple and unobtrusive in appearance, and shall not obscure the sign.

### (2) Internal Illumination

- (a) The background must be opaque or a darker color than the message of the sign.

### (3) Exposed Neon

- (a) Exposed neon may be used for lettering or as an accent.

### (4) Backlit Illumination

- (a) Light can be white or a color.
- (b) The background surface that the light shines onto shall not be reflective.

### (5) Prohibited Light Sources.

The following light sources are not allowed:

- (a) Blinking, flashing and chasing.
- (b) Bare bulb illumination except for Marquee Signs.

### (6) Electrical Raceways and Transformers

- (a) If a raceway is necessary, it cannot extend in width or height beyond the area of the sign.
- (b) A raceway must be finished to match the background wall or canopy, or integrated into the overall design of the sign.
- (c) Visible transformers are not allowed.



External light sources



Internally lit channel letters



Back lit channel letters



Internally lit sign with darker background

(7) Electronic Message Boards

- (a) Electronic message boards are allowed as part of a permanent freestanding sign and can only comprise as much as 30% of the total square footage permitted in Sec. M above, **excluding drive-through menu board signs.**
- (b) One electronic message boards is allowed per street frontage and shall also be considered a pole or monument sign per the density/spacing provision in those sections above, **excluding drive-through menu board signs.**
- (c) An electronic message board may not change or move more often than once every ten seconds **when located in districts other than Residential. When located in residential districts, electronic message board signs may not change more than once daily.**
- (d) The images and messages displayed must be static and shall not produce the illusion of scrolling, moving objects, expanding or contracting shapes, rotation or any similar effect of animation.
- (e) The transition from one static display to another must be instantaneous without any special effects.
- (f) The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign.
- (g) An electronic message board must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the display when notified by the City that it is not complying with this section.
- (h) An electronic message board must not be brighter than is necessary for clear and adequate visibility.
- (i) An electronic message board must not be of such intensity or brilliance as to impair the vision of a motor vehicle driver or to otherwise interfere with the driver's operation of a motor vehicle.
- (j) An electronic message board must not be of such intensity or brilliance that it interferes with the effectiveness of an official traffic-control sign, device or signal.
- (k) An electronic message board must be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions.
- (l) An electronic message board must not be equipped with audio speakers, excluding two-way communication devices.



(8) Illumination Types Allowed by District.

Illumination Types	Zoning Districts <b>(1)</b>							
	R-1, R-1A, R-2	R-3	C-1	C-2	C-3, H-O	I-1	I-2, P-1, P-2, P-3	L



External Illumination	•	•	•	•	•	•	•	•
Internal Illumination			•	•		•	•	
Backlit Illumination			•	•	•	•	•	
Exposed Neon			•	•	•	•	•	
Electronic Message Board	•	•	•	•	•	•	•	•

(1) Electronic message boards are not permitted on parcels directly adjacent to the H-O District

KEY:

• = Allowed

Blank Cell = Not allowed

☐ - Allowed on state highways except where entire parcel is directly adjacent to the H-O District

#### AA. Nonconforming Signs.

- (1) Any sign not conforming to the regulation of the district in which it is located at the time of adoption of this chapter shall be nonconforming.
- (2) Any sign or other advertising structure in existence on the date this amendment to this section is enacted or the effective date of any amendment to this section may continue and shall be maintained.
- (3) An existing sign may change the face or panel of the sign that does not meet the area or height standards of this law. However, there shall be no increase in the degree of nonconformity. All new panels must conform to all illumination standards of Sec. Z above.
- (4) A sign must be brought into compliance with this law if at any time the sign is altered, repaired, restored or rebuilt to the extent that the cost exceeds 50% of the estimated replacement cost of the sign (in current dollar value). All sign permits within any 6 consecutive calendar months will be aggregated for purposes of measuring the 50% standard.
- (5) If the repair is caused by involuntary damage or casualty and not deferred maintenance, the sign may be repaired to any extent.

**BB Removal of Signs.** Any sign, existing on or after the effective date of this amendment to this section, which is no longer associated with the establishment upon which such a sign is located, or is unsafe shall be removed within 30 days upon written notice from the Department of Public Works. Upon failure to correct, the Department of Public Works shall remove or cause to be removed said sign and shall cause to be assessed against the property all costs and expenses incurred.

**CC Maintenance.** All signs shall be maintained in such a condition so as to not constitute a danger to the public health, safety or welfare. The Department of Public Works shall inspect and have the authority to order the painting, repair and alteration or removal of signs which become dilapidated or are abandoned, or which constitute physical hazard to the public safety.

**DD Construction Standards.** All signs shall be constructed and installed in conformance with the New York State Uniform Fire Prevention and Building Code. Separate certification may be required for illuminated signs indicating compliance with the National Electrical Code (NFPA 70). The Department of Public Works shall have the option to require a review by the City Engineer. If the City Engineer finds the mounting technique questionable, a professional review by a New York State registered engineer would be required.

**EE Appeal procedures.** Any person aggrieved by a decision of the Department of Public Works relative to **dimensional** provisions of this section may appeal such decision by applying for an area variance. The Department of Public Works shall refer the application to the Zoning Board of Appeals for approval or denial. In granting a variance, the Zoning Board of Appeals must determine that the sign is in harmony with the general purposes of this section, does not harm the neighborhood character, and is not detrimental to public health, safety or welfare. The Zoning Board of Appeals should also consider the benefit to the applicant versus the detriment to the community in the granting of any variance. The City Planning and Development Committee shall review and issue recommendations to the Zoning Board of Appeals for area variances for signs within the Central Commercial (C-3) District.

**FF. Substitution Clause.** The owner of any sign which is otherwise allowed by this law may substitute noncommercial copy in lieu of any other commercial or non-commercial copy. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.

**GG. Severability Clause.** Should any section or provision of this law be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the law as a whole or any part thereof, other than the part so declared to be invalid.

Changes highlighted in yellow

Deletions designated by ~~strikeout~~

Additions designated in **bold type**

Definitions.

190-3 B        Sign-

9)        Freestanding Sign-     A self-supporting sign not attached to any building, wall or fence, but in a fixed location; includes pole signs, pylon signs, and masonry wall type signs, monument signs, but does not include **drive-through menu boards and** portable trailer-type signs.

**Drive-through menu board sign-**     A sign located outside of a building, on a route to a point of service, with or without built-in communication devices, which displays a listing of items offered. A drive-through menu board sign may be designed as a pole sign, monument sign, wall sign, projecting sign or Iconic sign.



### § 190-3. Definitions.

#### A. Generally.

- (1) All words used in the present tense include the future tense; all words in the singular number include the plural number and vice versa; the word "person" includes corporations and all other legal entities; the words "lot," "plot," "parcel," "tract of land," and "premises" shall include one another; the word "premises" shall include the land and buildings thereon; the word "building" shall include "structure" and vice versa; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied" unless the natural construction of the wording indicates otherwise. The word "shall" is mandatory and not directory.
- (2) Except where specifically defined herein, all words in this chapter shall carry their customary meanings.

#### B. Specific terms. As used in this chapter, unless the context or subject matter otherwise requires, the following terms shall have the following meanings:

**ACCESSORY DWELLING UNIT** — A self-contained dwelling unit, within a structure originally designed for a single-family residence, with separate kitchen facilities, with requirements set forth in § 190-37].[Added 10-25-1999]

**ADULT BOOKSTORE** — An establishment having a stock-in-trade consisting partially or totally of books, magazines, any other periodicals or films including videos or compact disks, for sale, rent or viewing on premises by use of motion picture devices or any other coin-operated means, and which establishment has a substantial portion of said enumerated stock-in-trade which is distinguished or characterized by its emphasis on matter depicting, describing or related to specified sexual activities or specified anatomical areas.[Added 11-14-1994; amended 12-13-1999]

**ADULT EATING OR DRINKING ESTABLISHMENT** — An eating or drinking establishment which features any one or more of the following:[Added 11-14-1994; amended 12-13-1999]

- (1) Live performances which are characterized by an emphasis upon the depiction or description of specified anatomical areas or specified sexual activities; or

- (2) Films, motion pictures, video cassettes, slides, or other visual representations which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or
- (3) Employees who as part of their employment, regularly expose to patrons specified anatomical areas, and which is not customarily opened to the general public during such features because it excludes minors by reason of age.

**ADULT ENTERTAINMENT CABARET** — A public or private establishment which features topless dancers, strippers, male or female impersonators, exotic dancers or similar entertainers.**[Added 11-14-1994; amended 12-13-1999]**

**ADULT MINI-MOTION-PICTURE THEATER** — An enclosed building with a capacity of less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.**[Added 11-14-1994; amended 12-13-1999]**

**ADULT MOTEL** — A motel which makes available to its patrons in their room fi slide shows or videotapes with an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.**[Added 11-14-1994; amended 12-13-1999]**

**ADULT MOTION-PICTURE THEATER** — An enclosed building with a capacity of 50 or more persons used regularly and routinely for presenting material having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.**[Added 11-14-1994; amended 12-13-1999]**

**ADULT USE** — Within a commercial establishment, any activity or use relating to specified sexual activities or specified anatomical areas, including but not limited to the activities and uses set forth in the definitions of adult bookstore, adult eating or drinking establishment, adult entertainment cabaret, adult mini-motion-picture theater, adult motion-picture theater, adult motel, massage establishment, nude model studio and peep shows.**[Added 11-14-1994; amended 12-13-1999]**

**ALLEY** — Narrow supplementary thoroughfare for the public use of vehicles or pedestrians, affording access to abutting property.



**ALTERATION** — Any change, rearrangement, or addition to a building, other than repairs; any modification in construction or in building equipment.

**AREA, BUILDING** — Total of area taken on a horizontal plane at the main grade level of principal buildings and all accessory buildings, exclusive of uncovered porches, parapets, steps, and terraces.

**ART GALLERY** — A structure or building utilized for the display of art work, including paintings, sculptures and paints for sale to the public.[Added 8-14-2000]

**AUTOMOBILE SERVICE STATION** — Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including the sale of motor vehicle accessories and which may or may not include facilities for lubricating and other minor servicing of motor vehicles but not including the painting thereof by any means. Any rebuilding, reconditioning or collision services involving frame and fender straightening or repair, or any dismantling or disassembly of frame and exterior parts is not an automobile service station. The sale or rental of vehicles is not a permitted use under the definition of automobile service station. Such use may be allowed with special authorization of the Planning Board.

**BASEMENT** — That space of a building that is partly below grade, which has 1/2 or more of its height, measured from fl to ceiling, above the average fi grade.

**BED-AND-BREAKFAST** — A house or structure, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.[Added 8-14-2000]

**BREW PUB/MICRO-BREWERY** — An eating and drinking establishment where certain beverages are prepared on the premises exclusively for on-site consumption. For a brew pub, the brewing of such beverages is accessory to the eating and drinking establishment. A micro-brewery, on the other hand, focuses on the production of beer, with the eating and drinking establishment as an accessory.[Added 8-14-2000]

**BUILDING** — A structure wholly or partially enclosed within exterior walls, or within exterior and party walls, and a roof. The term "building" shall be construed as if followed by the phrase "or part thereof," unless otherwise indicated by the text.

**BUILDING COVERAGE** — That percentage of the lot area covered by the building area.

**BUILDING, HEIGHT OF** — The vertical distance measured from the average level of the proposed finished grade across the front of the building to the ridgeline of the roof of the building.

**BUILDING LINE** — A line formed by the intersection of a horizontal plane at average grade level and a vertical plane that coincides with the exterior surfaces of the building on any side. In case of a cantilevered section of a building or projected roof or porch, the vertical plane will coincide with the most projected surface. All yard requirements are measured to the building line.

**BUILDING OR STRUCTURE, ACCESSORY** — A structure the use of which is incidental to that of the main building and which is located on the same premises.

**CELLAR** — That part of a building that is partly or entirely below grade, which has more than 1/2 of its height, measured from floor to ceiling, below the average finished grade.

**DENSITY** — The total number of dwelling units proposed divided by the total number of acres within the tract.

**DRIVEWAY** — Every entrance or exit used by vehicular traffic to or from lands or buildings abutting a highway.

**DWELLING, MULTIFAMILY** —

- (1) A building designed or occupied for residential purposes by more than two families; or
- (2) A series of attached, detached, or semidetached buildings, which are provided as a group collectively with essential services and utilities, and which are located on a lot, plot, or parcel of land, under common ownership; or
- (3) The residential part of a mixed occupancy building. Regardless of the foregoing, any residential building, other than a one- or two-family dwelling on a single zoning lot, shall be deemed to be a multiple dwelling.

**DWELLING, ONE-FAMILY** — A building containing only one dwelling unit, and occupied by only one family.

**DWELLING, TWO-FAMILY** — A building containing only two dwelling units, and occupied by only two families.



DWELLING UNIT — A complete self-contained residential unit, with living, sleeping, cooking, and sanitary facilities within the unit, for use by one family.

FAMILY — A single person; or two or more persons maintaining a common household with not more than two boarders, roomers, or lodgers. The term family does not include live-in household employees.<sup>1</sup>

FENCE — A fence is a structure which prohibits or inhibits unrestricted travel between properties or portions of properties or between the street or public right-of-way and a property. Fences may be constructed of wood, metal, plastic or other materials. Densely planted shrubbery or hedges which inhibit travel may also be considered as a fence.

FLOODPLAIN — Any area adjacent to a water body which is subject to inundation from high water and/or wave action, and at a minimum that area subject to a one-percent or greater chance of fl in any given year and all areas designated as Special Flood Hazard Zones by the Federal Insurance Administration's Offi Map for the City shall be considered as fl areas.

GARAGE, PRIVATE — A roofed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one car is leased to a nonresident of the premises.

GARAGE, PUBLIC — A building or part thereof used for the storage, hiring, selling, greasing, washing, servicing, or repair of motor vehicles, operated for gain.

GARDEN APARTMENTS — A residence building or group of one or more residence buildings of not more than 2 1/2 stories in height and two rooms in depth designed and erected as a project with singleness of use and operation and where joint or communal use is to be made of open areas by the occupants.

HELIPORT — An area used by helicopters which area includes passenger and cargo facilities, maintenance and overhaul, fueling service, storage space, tie-down space, hangars and other accessory buildings, and open spaces.

HELISTOP — An area on a roof or on the ground used by helicopters for the purpose of picking up or discharging passengers or cargo, but not including fuel service, maintenance or overhaul.

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

**HIGH RISE** — An apartment complex three stories or more in height.

**HOME OCCUPATION** — Any occupation or profession which is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit by a member of the family residing in the dwelling unit. Home occupations shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes.

- (1) In particular, a home occupation includes, but is not limited to the following: licensed plumbers, hairdressing, dressmaking, laundering, homecooking, teaching (musical instruction limited to a single pupil at a time) and the skilled practice by an accountant, architect, artist, dentist, doctor, engineer, insurance agent, lawyer, musician, realtor, or member of any profession within a dwelling occupied by the same.
- (2) However, a home occupation shall not be interpreted to include the following: commercial stables and kennels, restaurants and tea rooms, musical instruction to groups, dancing instruction, tourist homes, convalescent homes, mortuary establishments, garages or shops for the repair of motor vehicles and other trades and businesses of a similar nature.
- (3) The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto. Not more than one person outside the family shall be employed in the home occupation. Under no circumstances shall the home occupation or professional use occupy more than 25% of the total gross habitable floor area of the principal building.

**HOSPITAL** — An establishment for temporary occupation by the sick or injured for the purpose of medical diagnosis and treatment, including a sanitarium and sanatorium, and shall be limited to the treatment or other care of humans.

**HOTEL** — A building containing primarily hotel units for the purpose of furnishing lodging, with or without meals, for transient occupancy; and with management maintaining a register and providing daily housekeeping and other incidental services, including desk, telephone, or bellboy services.

**JUNKYARD; RECLAMATION CENTER** — The use of more than 200 square feet of the area of any lot where waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled,



cleaned, packed, disassembled or handled, processed or reclaimed, including automobile wrecking yards, used lumberyards, and places or yards for used or salvage materials and equipment; as distinguished from such uses when conducted entirely within an enclosed building, and as distinguished from establishments for the sale, purchase or storage of used cars in operable condition, used machinery, furniture and household equipment, and the processing of used, or salvaged materials as part of a manufacturing process. Two or more abandoned, disabled, dismantled or partly dismantled vehicles allowed to remain on a premises for a period of more than 30 days shall constitute a junkyard.

**KENNEL** — A structure used for the harboring of more than three dogs that are more than six months old.

**LARGE-SCALE MULTIFAMILY DEVELOPMENT** — A development which is designed to provide habitation for six or more families. Large-scale multifamily development shall include apartment houses, fl garden apartments, townhouses or any combination thereof which comprise six or more units.

**LIVE/WORK UNIT** — A place designed to be used, or used as, both a dwelling place and a place of work by an artist, artisan, or craftperson, including persons engaged in the application, teaching, or performance of fi arts such as, but not limited to, drawing, vocal or instrumental music, painting, sculpture, and writing.[Added 8-14-2000]

**LOT** — A parcel of land considered as a unit, occupied or capable of being occupied by one building and accessory buildings or uses, or by a group of buildings united by a common use or interest; and including such open spaces as are required by this chapter, and having its principal frontage on a public street or an officially approved place.

**LOT AREA** — The total horizontal area included within lot lines, except that no part of the area within a public right-of-way may be included in the computation of lot area.

**LOT, CORNER** — A lot located at the intersection of and fronting on two or more intersecting streets, and having an interior angle at the corner of intersection of less than 135°.

**LOT COVERAGE** — That percentage of the lot area covered by the building area. (See "building coverage.")

**LOT DEPTH** — The mean horizontal distance between the front and rear lot lines, measured from front to rear.

LOT, INTERIOR — A lot other than a corner lot.

LOT LINE, FRONT — In the case of a lot abutting upon only one street, the line separating such lot from such street. In the case of a lot that abuts more than one street, each street line shall be considered to be a front lot line.

LOT LINE, REAR — That lot line which is opposite and most distant from the front lot line.

LOT LINE, SIDE — That lot line not a front lot line or a rear lot line.

LOT, THROUGH — An interior lot having frontage on two approximately parallel or converging streets.

LOT WIDTH — The distance between side lot lines measured at right angles to the lot depth measured at a point from the front lot line equal to the front yard specified for the district.

MASSAGE ESTABLISHMENT — Any establishment having a place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths and steam baths. This definition shall not be construed to include a hospital, nursing home or medical clinic or the office of a physician, surgeon, chiropractor, osteopath, duly licensed massage therapist, or duly licensed physical therapist; or barbershops or beauty shops in which massages are administered only to the scalp, face, neck and shoulders. This definition shall also exclude health clubs which have facilities for physical exercise, such as tennis courts, racquetball courts or exercise rooms, and which do not receive their primary source of revenue through the administration of massages.**[Added 11-14-1994; amended 12-13-1999]**

MOBILE HOME — A mobile home is a movable living unit designed for year-round occupancy, sometimes termed a "house trailer." For the purposes of this chapter, a mobile home shall not be considered a dwelling.

MOBILE HOME COURT OR PARK — A parcel of land which has been planned and improved primarily for the placement of mobile homes.

MOTEL — A building with or without party walls, or any group of buildings, used primarily for sheltering transient motorists, and accessory uses, such as restaurants and parking.

NONCONFORMING BUILDING, STRUCTURE OR LOT — A building, structure, lot or use of land existing at the time of



enactment of this chapter or an amendment thereto, and which does not conform to the regulations of the district in which it is situated or to the provisions of such amendment if nonconforming to such amendment only.

**NONCONFORMING USE** — A property use legally existing at the time of the enactment of this chapter, or any subsequent amendment, which does not conform to the use regulations of the district in which it is situated.

**NUDE MODEL STUDIO** — Any place where a person who appears in a state of nudity or displays specified anatomical areas is regularly provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, other than as part of a course of instruction offered by an educational institution established pursuant to the Laws of the State of New York.**[Added 11-14-1994; amended 12-13-1999]**

**NURSING OR CONVALESCENT HOME** — Any dwelling used for the accommodation and care of persons with, or recuperating from, illness or incapacity, where nursing services are furnished.

**PEEP SHOWS** — A theater which presents material in the form of live shows, film or videotapes, viewed from an individual enclosure with an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas and for which a fee is charged.**[Added 11-14-1994; amended 12-13-1999]**

**PERSON** — Any person, firm, partnership, corporation, association, or legal representative, acting individually or jointly.**[Added 11-14-1994; amended 12-13-1999]**

**PARKING SPACE** — An off-street space available for the parking of one motor vehicle measuring no less than eight feet in width and 19 feet in depth and including sufficient space for aisles and maneuverability.

**RESTAURANT** — Any establishment however designated, at which food is sold for consumption on the premises to patrons seated within an enclosed building. However, a snack bar or refreshment stand at a public, semipublic or community swimming pool, playground, playfield, or park operated by the agency or group or an approved vendor operating the recreational facilities and for the convenience of the patrons of the facility shall not be deemed to be a restaurant.

RESTAURANT, DRIVE-IN — An establishment where patrons are served food, soft drinks, ice cream, and similar confections for principal consumption outside the confines of the principal building or in automobiles parked upon the premises, regardless of whether or not seats or other accommodations are provided for the patrons.

ROOMING HOUSE — Any building or portion thereof containing more than two and less than 10 rooms that are used, rented or hired out to be occupied or that are occupied for sleeping purpose for compensation, whether the compensation be paid directly or indirectly.

SALVAGE — The utilization of waste materials and processing of discarded or rejected materials that result from manufacturing or fabricating operations.**[Added 8-14-2000]**

SERVICE STATION — See "automobile service station."

SEXUAL ENCOUNTER CENTER — A business or commercial enterprise that offers for money or any form of consideration, a place where two or more persons may congregate, associate or consort for the purpose of specified sexual activities or exposure of specified anatomical areas or activities between male and female persons and/or persons of the same sex, when one or more of the persons is in the state of nudity or seminude. The definition of sexual encounter center shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State of New York engages in medically approved and recognized sexual therapy.  
**[Added 11-14-1994; amended 12-13-1999]**

SHOPPING CENTER — A group of commercial uses located on a single parcel of land under one ownership, having adequate space in rear for loading and unloading commodities; and required off-street parking.

SIGN — **[Amended 5-13-1985; 1-23-2017 by L.L. No. 1-2017]**

- (1) AWNING SIGN — A sign where graphics or symbols are painted, sewn, or otherwise adhered to the awning material as an integrated part of the awning itself.
- (2) BACKLIT ILLUMINATION — Signs that are backlit illuminated involve a low level of external light shining out from behind solid objects, most often letters, creating a soft glow around the outside of the objects.



- (3) BRACKET SIGN — A freestanding sign, attached to the ground by one or more support structures, that is not higher than five feet and hangs from a bracket or support.
- (4) CANOPY SIGN — A sign placed on a canopy so that the display surface is parallel to the plane of the wall.
- (5) DIRECTIONAL SIGN — A permanent sign which is designed for the purpose of directing traffic or pedestrian traffic to the location of an activity or business.
- (6) **DRIVE-THROUGH MENU BOARD SIGN - A sign located outside of a building, on a route to a point of service, with or without built-in communication devices, which displays a listing of items offered. A drive-through menu board sign may be designed as a pole sign, monument sign, wall sign, projecting sign or iconic sign.**
- (7) ELECTRICAL RACEWAY — A raceway (sometimes referred to as a "raceway system" is an enclosed conduit that forms a physical pathway for electrical wiring. Raceways protect wires and cables from heat, humidity, corrosion, water intrusion and general physical threats.
- (8) ELECTRONIC MESSAGE BOARD — An illumination type that produces a static or changeable electronic message using light-emitting diodes (LED), liquid crystal display (LCD) or other digital display method, that is designed to provide an electronic message or display that may be generated and periodically changed using an internal, external or remotely located electronic control system, which contains an illuminated, programmable message or graphic, whether fixed or moving.
- (9) EXTERNAL ILLUMINATION — Signs that are externally illuminated have light shining onto the outer surface of the sign. External illumination may be downlit (lit from above) and uplit (lit from below).
- (10) FREESTANDING SIGN — A self-supporting sign not attached to any building, wall or fence, but in a fixed location; includes pole signs, pylon signs, and masonry wall-type signs, but does not include **drive-through menu board signs and** portable trailer-type signs.

- (11) **ICONIC SIGN** — A sculptural, typically three-dimensional sign whose form suggests its meaning, and which can either be building-mounted or freestanding.
- (12) **ILLUMINATED SIGN** — Any sign illuminated by electricity, gas or other artificial light either for the interior, back lit or exterior of the sign, and which includes reflective and phosphorescent light.
- (13) **INTERNAL ILLUMINATION** — Signs that are internally illuminated have light shining through the surface of the sign. Typically, these either involve a rectangular-shaped box sign or individual letters (channel letters) that are lit from inside. Neon signs are not considered internally illuminated.
- (14) **MARQUEE SIGN** — A sign attached to the top or the face of a permanent roof-like structure.
- (15) **MONUMENT SIGN** — A freestanding sign attached to the ground along its entire length to a continuous pedestal. A monument sign is horizontally oriented or is square.
- (16) **OFF-PREMISES SIGN** — A sign unrelated to a business or a profession conducted, or to a commodity or service sold or offered, upon the premises where such a sign is located.
- (17) **POLE SIGN** — A freestanding sign constructed on a structure of one or more poles.
- (18) **PORTABLE SIGN** — A sign designed to be portable and not structurally attached to the ground, building, structure or another sign.
- (19) **PROJECTING SIGN** — A sign attached to the building façade at a ninety-degree angle, extending more than 15 inches. A projecting sign may be two- or three-dimensional.
- (20) **SHINGLE SIGN** — A small projecting sign that hangs from a bracket or support.
- (21) **SIDEWALK SIGN** — A moveable sign not secured or attached to the ground or surface upon which it is located.
- (22) **SIGN** — A structure or device designed or intended to convey information to the public in written or pictorial form.
- (23) **SIGN STRUCTURE** — Framework for the sign

(24) SIGN SURFACE AREA — The entire area within the single, continuous perimeter enclosing the limits of writing representation, emblem or any figure or similar character. Supports, uprights or structures on which any sign is supported shall not be included in the sign surface area unless it is an integral part of the sign.

(25) TEMPORARY SIGN — A sign having a duration of no more than 60 days.



(10) WALL SIGN — A sign placed or painted against a building and attached to the exterior front, rear or side so that the display surface is parallel to the plane of the wall.

(11) WINDOW SIGN — A sign visible from a sidewalk, street or other public place, painted or affixed on glass or other window material, or located inside within four feet of the window, but not including graphics in connection with customary window display of products.<sup>2</sup>

SITE PLAN — A plan of a lot or subdivision on which is shown topography, location of all buildings, structures, roads, rights-of-way, boundaries, all essential dimensions and bearings and any other information deemed necessary by the Planning Board.

SPECIFIED ANATOMICAL AREAS [Added 11-14-1994; amended 12-13-1999] —

- (1) Less than completely and opaquely covered human genitals, pubic region or female breast below a point immediately above the top of the areola.
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES [Added 11-14-1994; amended 12-13-1999] —

- (1) Human genitals in a state of sexual stimulation or arousal.
- (2) Acts of human masturbation, sexual intercourse, or sodomy.
- (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

SUBSTANTIAL PORTION [Added 11-14-1994; amended 12-13-1999] — The following conditions are present:

- (1) The amount of actual stock-in-trade that is distinguished or characterized by its emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas is equal to or greater than 15% of the total stock-in-trade of the bookstore; and/or
- (2) Fifteen percent or more of the fl area of the building accessible to customers contains the enumerated materials distinguished or characterized by its emphasis on matter

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2. Editor's Note: The definition of "sign area," which immediately followed, was repealed 5-13-1985.

depicting, describing or relating to specified sexual activities or specified anatomical areas, as compared to the total floor area of the building accessible to customers.

**STREET** — A public thoroughfare which has been dedicated or deeded to the public for public use, and which has been improved in accordance with municipal standards.

**STREET LINE** — That line determining the limit of the highway rights of the public, either existing or contemplated.

**STRUCTURE** — An assembly of materials, forming a construction framed of component structural parts for occupancy or use, including buildings.

**STRUCTURAL ALTERATION** — Any change to a structure which is not merely a repair or replacement of an existing part, or any change which would:

- (1) Enlarge or diminish the livable floor area of the structure or any part thereof;
- (2) Change the number of dwelling units contained in any structure;
- (3) Cause a change in the location or height of the exterior walls or roof of the structure;
- (4) Move the structure from one position to another;
- (5) Change any exit or entry facilities;
- (6) Change or rearrange the structural parts including bearing walls, beams, girders, columns.

**TEMPORARY USE** — An activity conducted for a specified limited period of time which may not otherwise be permitted by the provisions of this chapter.

**TOURIST HOME** — A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

**TOWNHOUSE** — One of a series of attached one-family dwelling units, each having a common wall between adjacent sections and having direct access to private, individual rear and/or front yards designed as an integral part of each one-family dwelling unit.

**USE** — The specific purposes for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

**YARD** — An open space on the same lot with a building, unoccupied or unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this chapter.

**YARD, FRONT** — An open, unoccupied space on the same lot with the building, between the front line of the building and the street or highway line, and extending the full width of the lot.

**YARD, REAR** — An open, unoccupied space, except for accessory buildings, on the same lot with the building between the rear line of the building and the rear lot line and extending the full width of the lot.

**YARD, SIDE** — An open, unoccupied space on the same lot with the building, situated between the building and the side lot line, and extending from the front yard to the rear yard.